Landlord and Tenant (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Landlord may bring an Action for Ejectment for Nonpayment of Rent in the same Manner as if the Tenant held under a written Instrument; Sect. 1.

Subsequent Proceedings not to be taken for same Rent; 2.

Describing the Parties on whom Notice or Process shall be served; 3.

In certain Cases of Ejectment or Replevin a Reversion need not be shown; 4.

After Delivery of Possession under an Habere, any Tenant or Occupier dispossessed thereby, and unlawfully resuming Possession, to be deemed guilty of a Misdemeanor; in such Case, on Certificate of a Justice of the Peace, the Decree may be executed anew, on Notice to the Parties complained of; 5.

Tenants or Lessees cutting or carrying off Crops on Sundays or by Night, with Intent to prevent a Distress for Rent, guilty of a Misdemeanor, and punishable by Fine and Imprisonment; 6.

If Tenants or Lessees carry off any Goods to prevent a Distress for Rent, the Landlord may seize the Goods in the Act of being removed, and the Horses and Carriages used for carrying them off; Parties concerned in such carrying off to be deemed guilty of a Misdemeanor; 7.

Interpretation Clause; 8.

Errors in Forms, Notices, &c. not to vitiate, &c.; 9.

Act to extend only to Ireland; 10.

Commencement of Act; 11.

Amendment, &c. of Act; 12.

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(Ireland)

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INTITULED

An Act to amend and improve the Relations of Landlord and Tenant in Ireland.

Preamble.

WHEREAS the overholding Possession of Lands and Tenements in Ireland by Tenants from Year to Year, or in mere Occupation, owing One Year's Rent or upwards, or who shall not have paid to the Owner any Rent for One Year or upwards, is a grievous Wrong: And whereas the ancient Proceeding by Notice to quit is in many Cases unsatisfactory, and a Cause of accumulating Costs against poor Persons, who are encouraged thereby to incur the same, to their own Loss and Injury: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any Landlord or Lessor of Lands, Tenements, or Hereditaments in Ireland to whom One Year's Rent shall be due, at any Time after the Commencement of this Act, by any Tenant thereof from Year to Year, or for any Term exceeding One Year, whether such Tenant shall hold the same under any written Instrument or not, provided such Landlord or Lessor shall be willing to forego the said Arrear of Rent by a legal Receipt or sufficient Acquittance to be given to the Tenant or Occupier, to

Landlords, in certain Cases, empowered to bring an Ejectment for Nonpayment of Rent.

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hring an Ejectment for Nonpayment of Rent against such Tenant, in the same Manner in every respect as he now hy Law could if such Tenant held and enjoyed the same under an Article, Minute, or Contract in Writing ascertaining the Rent; and all Provisions of the Acts now in force respecting Ejectments for Nonpayment of Rent shall be deemed to extend to and include Tenancies from Year to Year, or for any other Term exceeding One Year, though not created or regulated hy an Instrument in Writing ascertaining the Rent or the Terms of the Tenancy.

Plaintiff in Ejectment having given a legal Acquitance for Rent barred from further Proceedings.

II. And he it enacted, That the Plaintiff in the said Process of Ejectment having entitled himself to a Decree, whether he he Landlord or Lessor, and who shall then have given a legal Receipt or Acqnittance to any Tenant or Occupier as aforesaid, shall he therehy altogether incapacitated from taking any subsequent Proceedings at Law or in Equity whatever for any Rent due out of the Holding or Tenement which he shall have ohtained the Possession of under the Provisions of this Act.

Legal Notices, &c. to be served on the Widow, Son, &c. of deceased Tenant.

III. And he it enacted, That any married Woman the Widow of any Tenant deceased, or any Son or other Person ahove the Age of Sixteen Years, who shall have remained in possession of any Land or Tenement after the Decease of the late Tenant so holding from Year to Year or otherwise as aforesaid, whether he or any of them shall have taken out Letters of Administration to the deceased Tenant or not, shall he taken to be the Person on whom all legal Notice or Process should be served for the Purposes of this Act, and no other.

In certain Cases of Ejectment or Replevin a Reversion need not be shown.

IV. And whereas in many Cases in Ireland Lands held hy Tenants under Leases or Agreements for a Life or Lives or for Years have been or hereafter may be granted or sub-demised, or agreed to be granted or sub-demised, for the same Life or Lives or for the same Terms of Years for which they are or shall be held, reserving a Rent on such Grant or Sub-demise, or Agreement for a Grant or Sub-demise; and it is expedient to extend the Benefit of the Action of Ejectment for Nonpayment of Rent, and the Power of avowing or making Cognizauce generally in Replevin for Rent under the Statute in that Behalf, to such Cases: Be it enacted, That from and after the Commencement of this Act, in any such Cases as aforesaid, it shall and may he lawful for any Landlord, Lessor, or Person who shall have made or shall make any such Grant or Suh-demise, or Agreement for a Grant or Sub-demise as aforesaid, reserving Rent, or those lawfully claiming hy, from, or under him or her, to bring and maintain an Ejectment for Nonpayment of Rent under this Act, or any of the Acts in force in Ireland relating to Ejectments for Nonpayment of Rent, or to avow generally, or for any Bailiff of any such

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such Landlord, Lessor, or Person, or those lawfully claiming hy, from, or under him or her, to make Cognizance generally, in Replevin, for any such Rent as aforesaid, under the Provisions of an Act of the Parliament of Ireland of the Twenty-fifth Year of the Reign of King George the Second, intituled "An Act for explaining, amending, and "making more effectual the Laws relating to Landlord and Tenant," as fully and effectually to all Intents and Purposes as if such first-mentioned Landlord, Lessor, or Person were a Landlord, Lessor, or Person within the Meaning of the said Acts relating to Ejectments for Nonpayment of Rent, or the said Act relating to general Avowries and Cognizances in Replevin; and the Provisions of the said Acts respectively shall extend and apply to any such Landlord, Lessor, or Person in this Provision first mentioned as aforesaid, or those lawfully claiming, hy, from, or under him or her. 25 G. 3. (I.)

After Delivery of Possession under an Habere, any Tenants, &c. dispossessed thereunder resuming the Possession without lawful Authority guilty of a Misdemeanor.

V. And he it enacted, That whenever any Writ, Order, or Decree for Delivery of Possession shall have been ohtained, and Possession of the Premises shall have been delivered under and by virtue thereof, any Person who previously to such Delivery of Possession shall have heen Tenant or Occupier of such Premises or any Part thereof, and shall have been dispossessed therehy, and who shall within Six Calendar Months after such Dispossession unlawfully or without due Authority re-enter into or resume the Possession of the same Premises or any Part thereof of which he shall have heen so dispossessed, shall he deemed guilty of a Misdemeanor, and heing convicted thereof shall be liable to be imprisoned, with or without hard Labour, not exceeding Twelve Calendar Months; and in any such Case, where any Tenant or Occupier so dispossessed shall, without lawful Authority, so re-enter into or resume the Possession wholly or in part as aforesaid, then, npon Application made to any Justice of the Peace at Petty Sessions, and upon Proof made before him of the due Service of the Summons, or Notice of such intended Application, and of such Facts as aforesaid, to the Satisfaction of such Justice, upon Affidavit or Oath (which Affidavit or Oath such Justice is herehy authorized to take or administer), it shall be lawful for such Justice to certify in Writing under his Hand, that, in his Opinion, in such Case a sufficient Cause had heen shown for having the said Writ, Order, or Decree executed anew as to such Part or Parts of the Premises of which the Possession shall have heen resumed as aforesaid; and upon the Production of such Certificate on the Part of the Landlord of such Premises, his Agent, Receiver, or Attorney, such Writ, Order, or Decree shall he executed anew (by the Sheriff or his special Bailiffs) as to such Part or Parts of the Premises of which Possession shall have been resumed as aforesaid.

In such Case, on Certificate of a Justice, Decree may be executed anew, on Notice to the Parties complained of.

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Tenants or others cutting or carrying off Crops on Sunday or by Night, with Intent that the same may be removed to prevent a Distress for Rent, guilty of a Misdemeanor, and punishable by Fine and Imprisonment.

VI. And be it enacted, That if any Tenant or Lessee of any Lands in Ireland, or any other Person, shall at any Time after Sunset on Saturday, or between that Time and the rising of the Sun on the following Monday Morning, or at any Time within the Period commencing at Sunset and ending at the following Sunrise, cut, reap, dig, or sever, or aid or assist in the cutting, reaping, digging, or severing of any Corn, Grass, or other Crop growing on any Part of such Lands, with Intent that same shall be removed off the said Lands to prevent same being distrained for any Rent or Rent-charge payable thereout, every such Tenant or Lessee or other Person so offending shall be deemed guilty of a Misdemeanor, and being convicted thereof shall be fined in any Sum of Money not exceeding Ten Pounds, and shall be imprisoned, with or without hard Labour, for such Period not exceeding Twelve Months as the Court shall direct.

If Tenants or others fraudulently carry off Premises any Goods to prevent a Distress for Rent, Landlord may seize as a Distress such Goods, and the Horses and Carriages used for carrying them off.

15 G. 2. c. 8. s. 1-3. (I.)

VII. And be it enacted, That if any Tenant or Lessee of any Lands in Ireland, or other Person, shall, at any Time after Sunset on Saturday, or between that Time and the rising of the Sun on the following Monday Morning, or at any Time within the Period commencing at Sunset and ending at the following Sunrise, fraudulently or clandestinely convey away or carry off or from such Premises, or attempt so to convey away or carry off, any Goods or Chattels, in order to prevent the same being distrained for any Rent or Rent-charge payable thereout, it shall and may be lawful for every Landlord and Lessor and Person entitled to any Rent issuing out of the said Premises, or any Person or Persons by him, her, or them for that Purpose lawfully empowered, at any Time whilst such Goods and Chattels shall be or shall be about being so removed, to stop, take, and seize the same, and all Horses or other Cattle, and all Carts, Carriages, or Vehicles, of whatsoever Description, to whomsoever the same shall belong, used or employed or about being used and employed in conveying away or carrying off such Goods and Chattels, wherever the same shall be found, as a Distress for the said Arrears of Rent, and the same to sell or dispose of in such Manner as if the said Goods and Chattels, Horses or other Cattle, Carts, Carriages, or Vehicles, of whatsoever Description, belonged to the Party liable to be distrained, and had been actually duly distrained by the said Lessor, Landlord, or Person entitled to such Rent, in and upon such Premises aforesaid for such Arrears of Rent; and every Person so fraudently removing or conveying away such Goods and Chattels as aforesaid, or causing or procuring or suffering the same to be so fraudulently removed or conveyed away, and every Person or Persons wilfully and knowingly aiding, abetting, or assisting in any such fraudulent conveying away or carrying

Parties concerned in such carrying off guilty of Misdemeanor.

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carrying off such Goods or Chattels, or in the receiving or concealing the same, shall be deemed guilty of a Misdemeanor, and being convicted thereof shall be liable to be fined in such Sum of Money not exceeding Ten Pounds, and to be imprisoned, with or without hard Labour, for such a Period not exceeding Twelve Calendar Months, as the Court shall direct.

Interpretation Clause.

VIII. And be it enacted, That in the Interpretation of this Act the Singular Number shall extend to several Persons or Things as well as to one Person or Thing; and any Word importing the Plural Number shall apply to one Person or Thing as well as to several Persons or Things; and every Word importing the Masculine Gender only shall extend to a Female as well as a Male; the Words "Justice of the Peace at Petty Sessions" shall be deemed to include any Divisional Justice of the Peace for Dublin; and that where the same Reversion shall be successively vested in different Persons they shall be deemed for the Purposes of this Act to claim under each other although they may have different Estates therein; and that the Word "Landlord" shall include Bodies Corporate, and Companies or Partnerships.

Errors in Forms, Notices, &c not to vitiate, &c.

IX. And be it enacted, That no Variance or Defect or verbal or technical Error in any Notice or Document under this Act, not calculated to mislead, shall invalidate or vitiate such Proceeding, Notice, or Document.

Act to extend only to Ireland.

X. And be it enacted, That this Act shall extend only to Ireland.

Commencement of Act.

XI. And be it enacted, That this Act shall commence and take Effect from the First Day of September One thousand eight hundred and fifty, save and except in Cases in which it is hereby otherwise provided.

Act may be amended, &c. this Session.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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